IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 20138 of 2007(V)

PETITIONER:

SRIVATSON K.R., S/O.K.V.RAMABHADRAN,
KANNANCHERY HOUSE, POST THAYYOOR, (VIA)
ERUMAPETTY, THRISSUR DISTRICT.

BY ADV. SRI.K.V.RAMABHADRAN

RESPONDENTS:

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1. MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY REGISTRAR,
KOTTAYAM, KERALA STATE.

2. VICE CHANCELLOR,
MAHATMA GANDHI UNIVERSITY,
KOTTAYAM, KERALA STATE.

3. REGISTRAR,
MAHATMA GANDHI UNIVERSITY,
KOTTAYAM.

4. PRINCIPAL, D.C.SCHOOL OF MANAGEMENT
OF TECHNOLOGY, PULLIKKANAM, WAGAMON,
IDUKKI DISTRICT.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD
SRI. T.A. SHAJI – SC MGU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.20138 OF 2007

DATED THIS THE 2nd DAY OF JULY, 2007

JUDGMENT

The petitioner applied for admission to the MBA Course of the 1st respondent University in the 4th respondent's College. As per the prospectus issued inviting applications for admission, it was made clear that those who are appearing for the final year examination that year of the qualifying course also may apply subject to the production of the mark list before the last date for admission. Accordingly, the petitioner secured admission to the 4th respondent's College. He completed the 1st semester and when he was about to write the examination he was told that he cannot writ the examination because he had not passed the qualifying examination before the last date fixed for admission namely, 31.10.2006. The petitioner submits that this happened only because of the negligence on the part of the Calicut University in not taking the supplementary for the Vth semester of the qualifying examination in time. The petitioner would submit that as and when the supplementary examination was conducted he wrote it and passed the same pursuant to which he produced the consolidated

mark list also. However, the University takes a stand that the petitioner has not passed qualifying examination on the last date fixed for admission and therefore he was not validly admitted. The petitioner therefore seeks the following reliefs.

> " i) issue writ of certiorari quashing Exhibit P10 order.
> ii) issue a writ of mandamus or any other writ, direction or order directing the respondent 1 to 3 to register the petitioner's name on the roll of admission for MBA 2006-2008 (Batch) of 1st respondent University, accepting Exhibit P1 to Exhibit P3 certificates.
> iii) Direct the 2nd and 3rd respondents to place Exhibit P12 representation before Syndicate of M.G. University at the earliest session of the Syndicate to consider necessary relaxation of rigid procedure so far adopted in denying admission to the petitioner in the 1st respondent University.
> And
> iv) to issue such other reliefs as this Honourable Court may deem fit and proper in the facts and circumstances of the case."

2. However, for the present the petitioner would be satisfied with a direction to the Vice Chancellor to consider and pass orders on Ext.P12 expeditiously.

3. The learned standing counsel for the University submits that since Ext.P10 order has been passed by the Vice Chancellor regarding the petitioner's entitlement, it is only appropriate that the Syndicate considers Ext.P12. Accordingly, there would be a

direction to the Syndicate of the University to consider Ext.P12 in its next meeting and pass appropriate orders thereon.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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